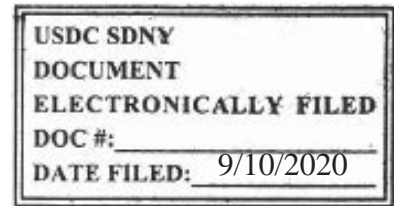


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



United States of America,

—v—

Hector Caba Batista,

Defendant.

18-CR-526 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

Defendant Hector Caba Batista is scheduled to be sentenced on October 1, 2020 at 1:00 p.m. By September 14, 2020, defense counsel shall respond to the following two questions:

- 1) If both an in-court and videoconference proceeding are available, does Defendant prefer to be sentenced at an in-court proceeding or to proceed by videoconference?
- 2) If an in-court proceeding is unavailable, does Defendant consent to be sentenced at a videoconference proceeding?

If Defendant consents to be sentenced at a videoconference proceeding, either as a matter of preference or because an in-court proceeding is unavailable, please complete and submit the written consent form attached to this Order. Defense counsel may sign on Defendant's behalf if authorized by Defendant to do so. If the Court is unable to conduct an in-court proceeding at the scheduled time and Defendant does not consent to be sentenced at a videoconference proceeding, the Court may adjourn the sentencing to a later date.

SO ORDERED.

Dated: September 9, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan".

ALISON J. NATHAN
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

-v-

HECTOR CABA BATISTA,
Defendant.
-----X

**WAIVER OF RIGHT TO BE
PRESENT AT CRIMINAL
PROCEEDING**

18-CR-526 (AJN)

Check Proceedings that Apply

_____ Sentence

I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York at the time of my sentence and to speak directly in that courtroom to the judge who will sentence me. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I do not wish to wait until the end of this emergency to be sentenced. I have discussed these issues with my attorney and willingly give up my right to be present, at the time my sentence is imposed, in the courtroom with my attorney and the judge who will impose that sentence. By signing this document, I wish to advise the court that I willingly give up my right to appear in a courtroom in the Southern District of New York for my sentencing proceeding as well as my right to have my attorney next to me at the time of sentencing on the following conditions. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf at the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date:

Print Name

Signature of Defendant

I hereby affirm that I am aware of my obligation to discuss with my client the specifications of violation of supervised release, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver form. I affirm that my client knowingly and voluntarily consents to the proceedings being held with my client and me both participating remotely.

Date:

Print Name

Signature of Defense Counsel

Accepted:

Signature of Judge

Date: